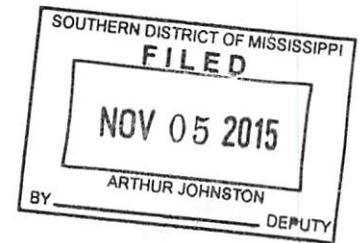


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
~~HATTIESBURG~~ DIVISION
EASTERN



ROBERT E. GUY, Individually, and
ROBERT E. GUY, Wrongful Death
Beneficiary of Peggy Guy, Deceased,

PLAINTIFF

VS.

CIVIL ACTION NO. 2:15cv146-KS-MTP

FORNEA 5, LLC

DEFENDANTS

COMPLAINT

JURY TRIAL REQUESTED

COMES NOW the plaintiff, Robert E. Guy, individually, and Robert E. Guy, as wrongful death beneficiary of Peggy Guy, Deceased, and files this claim against Fornea 5, LLC, and for cause of action would show the following:

JURISDICTION

This court has jurisdiction of this matter under 28 U.S.C. SECTION 1332. The matters in controversy exceed \$75,000.00.

PARTIES

1. Plaintiff, Robert E. Guy, is an adult resident citizen of the State of Mississippi residing at Columbia, Marion County, Mississippi. Robert E. Guy is also the widower, sole heir, and sole wrongful death beneficiary of Peggy Guy, Deceased.

2. Fornea 5, LLC, is a Louisiana limited liability corporation having its principal place of business at Angie, Louisiana, where it may be served with the lawful process of this court by service upon its registered agent, Robert A. Fornea, 28392 Highway 1071, Angie, Louisiana 70426.

3. Plaintiff would show that at all times complained of herein, Fornea 5, LLC, was the employer of Thomas J. Owens. As such, defendant is accountable for all actions of said employee during the course and scope of his employment.

4. Plaintiff would show that on January 29, 2015, he was operating his vehicle in a southerly direction along Mississippi Highway 13 near the Columbia Chip Mill and Highway 35 North. At the same time, Thomas J. Owens, employee of defendant Fornea 5, LLC, was operating one of defendant's 18-wheel transport trucks loaded with wood chips from the mill toward Highway 13. As he left the chip mill property, Owens turned directly south onto Highway 13 without stopping or yielding the right of way to assure that he could enter the highway safely. Plaintiff would show that when he realized that the truck and trailer were entering Highway 13, he attempted to avoid a collision. However, his car hit the end of the trailer, and the transport truck dragged plaintiff's car for approximately 300 feet before coming to a stop.

5. Plaintiff would show that the collision was the direct and proximate result of the defendant's employee's negligence, in that he failed to stop and/or yield the right of way when entering the highway to assure that he could do so safely. As a result of that negligence, plaintiff sustained serious bodily injuries and Peggy J. Guy sustained fatal injuries. Peggy J. Guy died approximately 12 hours after the collision.

6. Plaintiff would show that under the provisions of Section 11-7-13, Miss. Code Ann. (1972), as amended, he is entitled to judgment of and from the defendant for a sum sufficient to reasonably compensate him for the wrongful death of his wife, Peggy J. Guy, including her final medical expenses, funeral and burial expenses, her pain and suffering prior to her death, loss of companionship and services.

7. Plaintiff would further show that he is entitled to judgment of and from the defendant for a sum sufficient to reasonably compensate him for damages he suffered, including but not limited to past, present and future pain and suffering and past, present and future medical expenses.

WHEREFORE, PREMISES CONSIDERED, Robert E. Guy, individually and as wrongful death beneficiary of Peggy J. Guy, demands judgment of and against Fornea 5, LLC, in an amount calculated to reasonably compensate him for the wrongful death of his wife, Peggy J. Guy, including

her final medical expenses, funeral and burial expenses, her pain and suffering prior to her death, loss of companionship and services.

PLAINTIFF FURTHER demands judgment against defendant, Fornea 5, LLC, in an amount calculated to reasonably compensate him for damages he suffered, including but not limited to past, present and future pain and suffering and past, present and future medical expenses.

Plaintiff requests that the clerk issue summons to the defendant to be served through the office of his attorney.

Respectfully submitted:

ROBERT E. GUY, Individually and ROBERT
E. GUY, Wrongful Death Beneficiary of
Peggy Guy, Deceased

By  _____
JOHN H. OTT, His Attorney

John H. Ott, MB 3950
Ott Law Firm
P.O. Box 1684
McComb, Mississippi 39649
(601)684-6155 fax (601)249-0264
ottesq@bellsouth.net

Scott Phillips, MB 04176
Phillips Law Firm, P.A.
326A Second Street
Columbia, Mississippi 39429
(601)736-9301 fax (601)736-7537
phillipslawfirm@bellsouth.net

Attorneys for Plaintiff